

§ 21.182

38 CFR Ch. I (7–1–15 Edition)

(1) *Individualized written rehabilitation plan.* A veteran with an IWRP (Individualized Written Rehabilitation Plan) will generally move sequentially from *applicant* status through *evaluation and planning* status, *rehabilitation to the point of employability* status, *employment services* status, and *rehabilitated* status.

(2) *Individualized extended evaluation plan.* A veteran with an IEEP (Individualized Extended Evaluation Plan) will generally move from *applicant* status through *evaluation and planning* status to *extended evaluation* status. Once in *extended evaluation* status there will generally be a finding which leads to development of an IWRP (paragraph (e)(1) of this section), or IILP (Individualized Independent Living Plan) (paragraph (e)(3) of this section).

(3) *Individualized independent living plan.* A veteran with an IILP (Individualized Independent Living Plan) will generally move from *applicant* status through *evaluation and planning*, *extended evaluation*, *independent living*, and *rehabilitated* status.

(4) *Individualized employment assistance plan.* (i) A veteran with an IEAP (Individualized Employment Assistance Plan) which is a part of an IWRP will move through the case statuses described in paragraph (e)(1) of this section, or in some cases through the steps in paragraph (e)(2) of this section.

(ii) A veteran for whom only employment services are provided will generally move from *applicant* through *evaluation and planning*, *employment services* to *rehabilitated* status.

(Authority: 38 U.S.C. 3107)

(f) *Normal progression for ineligible veterans.* A veteran found ineligible for services under Chapter 31 will generally move from *applicant* to *evaluation and planning* status, to *ineligible* status.

(Authority: 38 U.S.C. 3107)

(g) *Changes of status.* The case manager may change the case status when:

(1) Conditions for change specified in the status are met;

(2) The change is not specifically precluded by the status to which change is being considered; and

(3) The change is consistent with provisions of other applicable regulations.

(Authority: 38 U.S.C. 3106)

[49 FR 40814, Oct. 18, 1984, as amended at 54 FR 34987, Aug. 23, 1989; 62 FR 17708, Apr. 11, 1997]

§ 21.182 “Applicant” status.

(a) *Purpose.* The purposes of *applicant* status are to:

(1) Process a veteran’s claim for assistance under Chapter 31 in a timely manner; and

(2) Identify service-disabled veterans whom VA should contact individually to increase their awareness and understanding of how they may benefit from services furnished under Chapter 31.

(Authority: 38 U.S.C. 3102)

(b) *Assignment to applicant status.* VA will assign a veteran’s records to *applicant* status when either:

(1) VA receives a formal or informal application from a veteran for services under Chapter 31; or

(2) The VR&E (Vocational Rehabilitation and Employment) Division:

(i) Advises a veteran in writing of the veteran’s potential eligibility for Chapter 31 services, or

(ii) Is informed that the veteran has been advised in writing of his or her potential eligibility for Chapter 31 services by other VA elements.

(Authority: 38 U.S.C. 3102(2))

(c) *Termination of applicant status.* *Applicant* status will be terminated when:

(1) An appointment for an initial evaluation has been kept by the veteran; or

(2) The veteran’s service-connected disability is reduced to a noncompensable degree; or

(3) The veteran’s service-connected disability is severed; or

(4) The veteran’s application is invalid because of fraud or error; or

(5) The veteran withdraws his or her claim, or otherwise indicates that no further assistance is desired.

(Authority: 38 U.S.C. 3106)

(d) *Transfer of terminated cases to discontinued status.* Each instance in

Department of Veterans Affairs

§ 21.186

which a veteran's case is terminated for reasons described in paragraph (c)(4) or (5) of this section shall be placed in *discontinued* status.

(Authority: 38 U.S.C. 3102)

CROSS REFERENCE: See §§ 21.30 Claims, 21.31 Informal claims, and 21.32 Time limits.

[49 FR 40814, Oct. 18, 1984, as amended at 52 FR 2518, Jan. 23, 1987]

§ 21.184 "Evaluation and planning" status.

(a) *Purpose.* The purpose of *evaluation and planning* status is to identify veterans for whom evaluation and planning services are needed to:

(1) Accomplish an initial evaluation as provided in § 21.50;

(2) Develop an IWRP (Individualized Written Rehabilitation Plan), IEEP (Individualized Extended Evaluation Plan), IILP (Individualized Independent Living Plan) or IEAP (Individualized Employment Assistance Plan); or

(3) Reevaluate:

(i) Findings made in prior initial evaluations, or

(ii) Current or previous individualized rehabilitation plans.

(b) *Assignment to evaluation and planning* status. A veteran's records will be assigned to *evaluation and planning* status for any of the purposes specified in paragraph (a) of this section.

(c) *Termination of evaluation and planning* status. The assignment of the veteran's records to *evaluation and planning* status may be terminated under the following conditions:

(1) *Evaluation and planning completed.* The services necessary to complete evaluation and planning have been provided. These services are:

(i) Completion of an initial evaluation;

(ii) Development of an IWRP (Individualized Written Rehabilitation Plan) or other individual rehabilitation plan in those cases in which eligibility and entitlement to services provided under Chapter 31 are established; or

(iii) Completion of reevaluation of prior findings made in initial evaluation or modification of a rehabilitation plan.

(2) *Evaluation and planning not completed.* The VR&E Division shall make

every reasonable effort to enable the veteran to complete the evaluation and planning phase of the rehabilitation process. A determination that every reasonable effort by VA has been made, and that little likelihood exists that continued efforts will lead to completion of planning and evaluation, may be made under the following conditions:

(i) The veteran writes VA and requests that his or her case be inactivated;

(ii) The veteran fails to keep scheduled appointments following his or her initial appointment; or

(iii) The veteran otherwise fails to cooperate with VA in the evaluation and planning process. If the veteran fails to cooperate, the provisions of § 21.362 are applicable.

(Authority: 38 U.S.C. 3106, 3107)

CROSS REFERENCE: See §§ 21.50 through 21.58 Initial and extended evaluation, and §§ 21.80 through 21.98 Individualized written rehabilitation plan.3

§ 21.186 "Ineligible" status.

(a) *Purpose.* The purpose of *ineligible* status is to identify the cases in which a veteran requests services under Chapter 31, but the request is denied by VA, usually, on the basis of information developed when the veteran was in *evaluation and planning* status.

(Authority: 38 U.S.C. 3106)

(b) *Assignment to ineligible* status. A veteran's case will be assigned to *ineligible* status following a finding by VA that the veteran is not eligible for or entitled to services under Chapter 31. The finding must preclude all possible Chapter 31 services.

(Authority: 38 U.S.C. 3106, 3107)

(c) *Termination of ineligible* status. The assignment of the veteran's case to *ineligible* status should be terminated if the veteran thereafter becomes eligible to receive any Chapter 31 service. Placement of the case in *ineligible* status is a bar to reconsideration of eligibility unless a material change in circumstances occurs.

(Authority: 38 U.S.C. 3106)